

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of	:	Customer Number: 20277
	:	
Kenichi TABATA, et al.	:	Confirmation Number: 1960
	:	
Application No.: 10/030,249	:	Group Art Unit: 3761
	:	
Filed: June 28, 2002	:	Examiner: Karin M. Reichle
	:	
For: DISPOSABLE ABSORBENT ARTICLE	:	

RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In the Notice of Non-Compliant Amendment of June 18, 2008, the Examiner indicated as follows:

The proposed amendments to the claims of 2-22-08 do not show all the deletions and additions made to the text of the claims existing as of 5-24-07 and the proposed amendments of 3-13-08 do not correct all such instances of noncompliance. For example, see the last three sections of claim 26 filed 2-23-08 as compared to the same of 5-24-07 and see also such sections of 3-[13]-08 as compared to those of 2-22-08 and 5-24-07.

In response, Applicants submit a Substitute Amendment substituting for the February 22, 2008 Amendment and the March 13, 2008 Amendment, concurrently with this response. The Substitute Amendment shows changes made to the claims in the May 24, 2007 Amendment by (1) the February 22, 2008 Amendment and (2) the March 13, 2008 Supplemental Amendment. The remarks of the February 22, 2008 are reiterated in all the respects. It is noted that **all the attachments to the February 22, 2008 Amendment are NOT submitted.**

The Examiner also asserted, “[t]he substitute specification does not show all the additions and deletions made to the 5-24-07 substitute specification, e.g. see the sentence of paragraph 4 bridging pages 1-2 of the marked up copy.” Attached is a Revised Substitute Specification together with a marked up version of the Substitute Specification. It is noted that Applicants found the missing “.” in paragraph 4 of the marked up version of the February 22, 2008 Substitute Specification, and added the “.” with double brackets to the marked up version of the Substitute Specification submitted at this time. The clean version of the Substitute Specification submitted is the same as that filed February 22, 2008. It is further noted that the previously-made changes are maintained in the marked-up version of the Substitute Specification, as requested by the Examiner before. Crossed-out and underlined phrases in the marked-up version of the Substitute Specification indicate that they were previously added, but deleted later.

If there are any formality issues regarding the Substitute Specification, a telephone call to the undersigned would be appreciated to expedite the prosecution of the application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP


Tomoki Tanida

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Date: July 18, 2008